

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	0

### MR. SPEAKER:

*Your Committee on Technology, Research and Development, to which was referred House Bill 1548, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1           Page 1, between the enacting clause and line 1, begin a new  
2           paragraph and insert:  
3           "SECTION 1. IC 6-3.1-27-9.5, AS AMENDED BY P.L.122-2006,  
4           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5           JANUARY 1, 2008]: Sec. 9.5. **Except as provided in**  
6           **IC 6-3.1-28-11(c)**, the total amount of credits allowed under:  
7           (1) section 8 of this chapter;  
8           (2) section 9 of this chapter; and  
9           (3) IC 6-3.1-28;  
10          may not exceed fifty million dollars (\$50,000,000) for all taxpayers and  
11          all taxable years beginning after December 31, 2004. The corporation  
12          shall determine the maximum allowable amount for each type of credit,  
13          which must be at least four million dollars (\$4,000,000) for each type  
14          of credit."

1 Page 2, between lines 6 and 7, begin a new paragraph and insert:

2 **"(c) The total amount of tax credits allowed under this chapter**  
 3 **for a taxpayer who produces at least forty million (40,000,000)**  
 4 **gallons of cellulosic ethanol is not subject to the maximum amount**  
 5 **of tax credits imposed by IC 6-3.1-27-9.5."**

6 Page 3, line 32, after "12." insert **"(a)"**.

7 Page 3, between lines 34 and 35, begin a new paragraph and insert:

8 **"(b) To receive a credit under this chapter, a taxpayer must**  
 9 **have the amount of the taxpayer's expenditures for energy star**  
 10 **heating and cooling equipment certified by the office of energy and**  
 11 **defense development. The office of energy and defense**  
 12 **development may not certify the amount of an expenditure if the**  
 13 **certification would result in the amount of tax credits awarded**  
 14 **under this chapter exceeding the amount of tax credits permitted**  
 15 **under subsection (a).**

16 **Sec. 13. The office of energy and defense development shall**  
 17 **implement procedures for issuing the certifications required under**  
 18 **section 12 of this chapter."**

19 Page 3, line 35, delete "13." and insert **"14."**

20 Page 4, delete lines 3 through 12.

21 Page 4, line 13, delete "3." and insert **"1."**

22 Page 4, line 17, delete "4." and insert **"2."**

23 Page 4, line 23, delete "5." and insert **"3."**

24 Page 4, delete line 25.

25 Page 4, line 26, delete "(2)" and insert **"(1)"**.

26 Page 4, line 27, delete "(3)" and insert **"(2)"**.

27 Page 4, line 28, delete "6." and insert **"4."**

28 Page 4, line 36, delete "7." and insert **"5."**

29 Page 4, line 41, delete "8." and insert **"6."**

30 Page 5, line 2, delete "9." and insert **"7."**

31 Page 5, line 4, delete "13" and insert **"11"**.

32 Page 5, delete lines 19 through 34.

33 Page 5, line 35, delete "(c)" and insert **"(b)"**.

34 Page 5, line 36, delete "13" and insert **"11"**.

35 Page 6, line 8, delete "10." and insert **"8."**

36 Page 6, line 24, delete "11." and insert **"9."**

37 Page 6, line 28, delete "12." and insert **"10."**

38 Page 6, line 30, delete "13." and insert **"11. (a)"**.

1 Page 6, between lines 32 and 33, begin a new paragraph and insert:

2 **"(b) To receive a credit under this chapter, a taxpayer must**  
 3 **have the amount of the taxpayer's expenditures for a renewable**  
 4 **energy system certified by the office of energy and defense**  
 5 **development. The office of energy and defense development may**  
 6 **not certify the amount of an expenditure if the certification would**  
 7 **result in the amount of tax credits awarded under this chapter**  
 8 **exceeding the amount of tax credits permitted under subsection (a).**

9 **Sec. 12. The office of energy and defense development shall**  
 10 **implement procedures for issuing the certifications required under**  
 11 **section 11 of this chapter."**

12 Page 6, line 33, delete "14." and insert "13."

13 Page 9, line 1, after "municipal wastes," insert "**food wastes,**".

14 Page 9, delete lines 7 through 10, begin a new paragraph and insert:

15 **"Sec. 4. As used in this chapter, "Indiana fuel" means either of**  
 16 **the following:**

17 **(1) Any of the following when the fuel is gasified, liquefied, or**  
 18 **methanized:**

19 **(A) Biomass produced in Indiana.**

20 **(B) Indiana coal.**

21 **(C) Petroleum coke produced in Indiana.**

22 **(D) Oil shale located in Indiana.**

23 **(2) Coal mine methane when used in the production of**  
 24 **power."**

25 Page 9, delete lines 13 through 21.

26 Page 9, line 22, delete "7." and insert "6."

27 Page 9, line 26, delete "or".

28 Page 9, line 27, delete "partnership." and insert "**partnership;**

29 **(5) a corporation organized under IC 8-1-13; or**

30 **(6) a corporation organized under IC 23-17-1 that:**

31 **(A) is an electric cooperative; and**

32 **(B) has at least one (1) member that is a corporation**  
 33 **organized under IC 8-1-13."**

34 Page 9, line 28, delete "8." and insert "7."

35 Page 9, between lines 29 and 30, begin a new paragraph and insert:

36 **"Sec. 8. As used in this chapter, "qualified investment" means**  
 37 **a taxpayer's expenditures for:**

38 **(1) all real and tangible personal property incorporated in**

1           **and used as part of a facility used to produce energy from**  
 2           **Indiana fuel; and**

3           **(2) transmission equipment and other real and personal**  
 4           **property located at the site of the energy production facility**  
 5           **that is employed specifically to serve the energy production**  
 6           **facility."**

7           Page 9, line 33, delete "and".

8           Page 9, line 34, after "tax);" insert "**and**

9           **(4) IC 6-2.3 (the utility receipts tax);"**

10          Page 10, between lines 18 and 19, begin a new line block indented  
 11          and insert:

12           **(4) Against the taxpayer's liability incurred under IC 6-2.3**  
 13           **(the utility receipts tax)."**

14          Page 10, between lines 34 and 35, begin a new paragraph and insert:

15           **"(c)If the credit allowed by this chapter is available to a member**  
 16           **of an affiliated group of corporations filing a consolidated return**  
 17           **under IC 6-2.3-6-5 or IC 6-3-4-14, the credit shall be applied**  
 18           **against the state tax liability of the affiliated group."**

19          Page 10, line 42, after "(2)" insert "**in the case of a pass through**  
 20          **entity described in:**

21           **(A) section 7(1), 7(2), 7(3), or 7(4) of this chapter,"**

22          Page 11, line 1, delete "entitled." and insert "**entitled; and**

23           **(B) section 7(5) or 7(6) of this chapter, the relative**  
 24           **percentage of the corporation's patronage dividends**  
 25           **allocable to the member for the taxable year."**

26          Page 13, line 28, delete "The amount necessary to implement this  
 27          chapter" and insert "**There**".

28          Page 13, line 29, after "appropriated" insert "**two million dollars**  
 29          **(\$2,000,000) from the state general fund"**.

- 1       Page 13, line 29, delete "." and insert **"for the purpose of**
- 2       **implementing this chapter."**.
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1548 as introduced.)

**and when so amended that said bill do pass.**

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Representative Reske